

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

STORAGE AREA NETWORK METHODS AND APPARATUS WITH VIRTUAL SAN RECOGNITION

the specification of which (check one)

X is attached hereto.
_____ was filed on _____
_____ as Application Serial No. _____
_____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a) – (d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>None</u>	_____	_____	<u>Yes</u>	<u>No</u>
(Number)	(Country)	(Day/Month/Year Filed)		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>None</u>	_____	_____
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

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Full name of sole or first joint-inventor: Allen Robert Heitman

Inventor's signature:

Date:

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Citizenship: USA

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Full name of second joint-inventor: David Lynn Merbach

Inventor's signature:

Date:

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Full name of third joint-inventor: William Roy Yonker

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Full name of fourth joint-inventor:

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Date:

Residence:

Citizenship:

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Full name of fifth joint-inventor:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address: Same

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ASSIGNMENT

Whereas, we

(1) Allen Robert Heitman of 40 Sandy Point Court NE, Rochester,
County of Olmsted and State of Minnesota,
and (2) David Lynn Merbach of 3426 - 9th Ave N.W., Rochester,
County of Olmsted and State of Minnesota,
and (3) William Roy Yonker of 11235 11th Avenue N.E., Rochester,
County of Olmsted and State of Minnesota,

have invented certain improvements in

STORAGE AREA NETWORK METHODS AND APPARATUS WITH VIRTUAL SAN RECOGNITION

and executed, respectively, a United States patent application therefor on

(1) _____, 2001, (2) _____, 2001, (3) _____, 2001

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), desired to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefor;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby sell, assign, and transfer to IBM, its successors and assigned, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and we request the Commissioner of Patents to issue any Letters Patent granted upon the inventions set forth in said application to IBM, its successors and assigns; and we hereby agree that IBM may apply for foreign Letters Patent on said invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

Signed and sealed

(1) at _____	_____	Signature
on _____, 2001,	Allen Robert Heitman	Inventor
(2) at _____	_____	Signature
on _____, 2001,	David Lynn Merbach	Inventor
(3) at _____	_____	Signature
on _____, 2001,	William Roy Yonker	Inventor

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